

### **REMARKS**

Applicants acknowledge the indication of the allowability of claims 12-20, noting that claim 20 was objected to as being dependent on a rejected based claim, but otherwise deemed allowable.

Claims 1-11 of the present application stand rejected under 35 U.S.C. § 102(b) as anticipated by Chakrabarti, U.S. Patent No. 5,229,382. The Examiner alleges that a pharmaceutical composition according to the present invention can be in liquid form and contain only dissolved olanzapine, and thus no longer include the claimed polymorph.

Although Applicants maintain that claim amendments are not required, independent claims 1 and 11 have been amended to recite that the claimed pharmaceutical compositions include a solid olanzapine polymorph and that the composition is in the form of a suspension, emulsion, solid capsule, tablet, caplet, cachet, lozenge, troche, granular formulation or powdered formulation. The added limitation is based on claim 20, previously deemed allowable, but with other solid formulations that would include a solid form of the active ingredient incorporated into the claim. These amendments are supported by the specification at, for example, paragraphs [0040]-[0043]. Claims 2-10 depend from claim 1. Claim 20 has been cancelled.

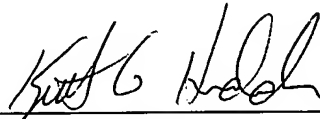
### **CONCLUSION**

Applicants submit the foregoing amendment on its face clearly places the application in condition for Allowance. Accordingly, Applicants request that the Examiner indicate the allowability of claims 1-19 and that the application pass to issue, as set forth in MPEP 1207 (second paragraph). If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: October 7, 2005

Respectfully submitted,

By 

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